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Poland

Biotechnology

Update: Introduction of Feed Ban Extended; GM Cultivation Law

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Report Highlights:

Top Polish decision makers, industry, scientists, producers, and regional political leaders worked together to prevent biotechnology crops in animal feeds from being outlawed. Their work had a direct impact on the repeal of a feed ban in Poland, which was to prohibit import, production and use of animal feed derived from biotech crops by August 12, 2008.

Introduction of the feed ban has now been extended until the end of 2012, which effectively has killed this legislation. However, Poland's Ministry of Environment is pushing forward on their anti-GMO position with a new draft of a cultivation law, which legislators hope to put into effect by the beginning of 2009. The draft cultivation law is the longest draft law published in Polish history. The law is long, complicated and designed to prevent planting of GM seeds. This point is made in the printed justification as an appendix to the law.

Includes PSD Changes: No
Includes Trade Matrix: No
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Repeal of the Introduction of a GM Feed Ban in Poland - Success

Since 2006, Poland has officially maintained an anti-biotech position, consistently has opposed approval of new biotech products in the EU, and has announced that Poland should be a "GM-Free" country. The government banned the sale and registration of biotech seeds in mid-2006 and passed legislation that was to prohibit import, production, and use of animal feed derived from biotech crops by August 12, 2008. Lobbying hard for the ban on biotechnology-derived animal feed were organic farmers and environmental groups. However, on July 27, 2008, just two weeks before a ban would have gone into effect, Poland's president signed a law pushing back the introduction of a ban to 2013. The GM feed ban was defeated by a coalition of Polish and U.S. trade associations, led by the American Soybean Association, Polish importers, feed manufacturers, meat producers, and diplomatic representations including the Governments of the United States, Argentina, and Canada.

The American Soybean Association, supported by FAS Warsaw, played a key role in defeating the ban. Avoiding this ban prevented disruption of U.S. soybean exports to the EU generally and exports of U.S. feed to Poland, worth \$100 million. The educational activities of ASA and FAS Warsaw helped Polish industry get the ammunition they needed to beat the feed ban and has left in place a coalition of contacts working hard to improve EU biotechnology policy, generally. The American Soybean Association's work in Poland, and across the EU, to get EU approval of new biotechnology soybean varieties will prevent the loss of an \$800 million market for American soybeans in 2009; delayed EU approval means the United States may no longer be authorized to export to EU member states. The Polish feed ban would have jeopardized roughly \$6.4 billion in Polish pork or poultry production, not including losses for feed compounders.

Defeating the ban benefitted major U.S.-based multinationals with investments in Polish agriculture that might have imploded without access to quality, cost-competitive feeds. This success has also triggered great appreciation in Poland's farm sector for starting a healthy, progressive debate on biotechnology, a key U.S. objective in the European Union.

It should be noted, however, that while this legislation is still on the books in Poland, imports are not totally safe. The law that pushed back the ban can still be changed. FAS Warsaw is monitoring the situation closely. Past FAS Warsaw initiatives to stop a GM ban have included, continuous coverage of the situation – monitoring the press, translation and presentation of materials on biotechnology to Polish decision makers, industry associations, scientists, producers and regional political leaders. FAS also provided training in the U.S. on biotechnology to producers and decision makers, invited U.S. and Spanish farmers who cultivate Bt corn to Poland to speak to Ministry representatives, industry associations, scientist, producers and regional political leaders, and finally aided the work of the American Soybean Association to educate Polish importers on the asynchronous approval problem in the EU. Further initiatives directed by FAS Warsaw will continue as needed until this situation is fully resolved.

Updates on Polish GM Cultivation Law:

FAS Warsaw reported on August 22, 2008 that the Ministry of Environment in Poland has published a draft law on cultivation of agricultural biotechnology crops that is very restrictive.

[GAIN Report, Aug. 22, 2008, Poland's Draft Biotech Cultivation Law](#)

Currently, Poland has a cultivation law that makes it illegal to purchase GM seeds in Poland, but does not actually make it illegal to plant these seeds. The new amendments proposed by the Polish government, which are intended to make Poland's GM cultivation law compliant with EU regulatory authorities, would only make planting GM seeds in Poland more difficult. The government proposes to have the new amendments to the current cultivation law go into effect on January 1, 2009, and be obligatory three months from publication. This means that the GOP hopes to pass this legislation before the end of 2008. There is debate as to the reaction of the EU Commission, as the new draft amendments may still not make Poland's GM cultivation law in compliance with EU regulations. Seemingly, the current cultivation law in Poland is preferable to the new amendments being proposed, which will make planting of GM crops in Poland much more difficult for farmers.

At this time, FAS Warsaw can add a few additional updates to the original report on the major provisions of the draft biotech cultivation law in Poland.

- GMOs for scientific research (genetic engineering) and seed marketing will be strictly regulated. Planters should arrange a proposal with all information and documents needed at every stage. They wait for allowances from the Ministry of Environment and they have to bring all the paperwork the Ministry needs for their application to be considered.

Update: Article 115 of the draft states that the Minister of Environment has the right to deny their application for a permit. The current Minister of Environment in Poland may very well do so, without any specific reason. The Minister, Maciej Nowicki, has stated that it is his belief that GMOs are dangerous because there cannot be any guarantee about the safety of future human or animal health, or environmental security.

- Farmers would need to separate GMO plantings by special safety zones (size to be determined and published by the Ministry of Environment in implementing regulations), with a possibility of neighbor farmers protesting the GMO planting to be placed in their neighborhood. The Government will resolve any disputes.

Update: The Ministry of Agriculture will determine the regulations on the size of the buffer zones. Farmers could not start planting GM seeds before he/she has received written consent from the neighbors, therefore neighbors should not be able to protest if they have already agreed. Any disputes that do arise will be resolved in civil court.

- There are some border controls described in the draft law that imagine rechecking the properly cleared documents of GMOs arriving in Poland from other EU member states. GMOs from non EU member states would pass the border control executed by proper origin of inspection. If product arrives to Poland through another member country and it did not pass the border control with proper inspection, it should be controlled once again by units in Poland and there should be proper report made.

Update: According to FAS Warsaw contacts in the Ministries of Environment and Agriculture and the Sanitary Inspection, border controls of GMOs will only apply to products entering the EU territory through Polish ports or borders. No inspection will occur on products coming from other EU countries.

The new draft cultivation law in Poland falls in line with declarations made by the Polish government since 2006 that state that it is against the development of GM crops in Poland. Written justification for the passage of this law states the government's position. The justification for the cultivation law plainly states that the law is designed to prevent GM crops from cultivation.

Polish producers say they will not plant GMO seeds under the draft law if it is passed because the administrative risk is too high. The Ministry received negative comments from producers, many who prepared detailed analysis about how the law conflicts with EU mandates. Scientists were also outraged by the provisions of the law which would regulate their activities. Presently, the Ministry of Environment does not approve animal feed tests and open crop trials. The draft imagines an even stricter regime. Worrisome for the future, the draft includes provisions that are interpreted by some FAS Warsaw contacts to say that animal clones will be considered genetically modified, and thus under the regulation of the Ministry of Environment. With its comment period over, the Ministry announced it will be working on sending the draft to Parliament in about two weeks, September 28. It will need the support of the Ministries of Agriculture and Economy, whose members tend to have more positive views on the technology, but are powerless in front of the strong negative views of the environmental movement.